

NO. 4:24-CV-59-FL

ORDER


group” who took possession of plaintiff’s property. (DE 30 at 2). However, the “substantive component of the Due Process Clause does not require [a] State to protect the life, liberty, and property of its citizens against invasion by private actors.” Town of Castle Rock, Colorado v. Gonzales, 545 U.S. 748, 755 (2005). Likewise, “[t]he benefit that a third party may receive from having someone else arrested for a crime generally does not trigger protections under the Due Process Clause, neither in its procedural nor in its substantive manifestations.” Id. at 768. Plaintiff’s constitutional claims against defendant fail for these reasons, in addition to the reasons already set forth by the court in its December 4, 2024, order. (See Order (DE 28) at 5-8).

Plaintiff also suggests in his motion for declaration and reconsideration that he wishes to amend his complaint to assert additional allegations as set forth in his instant post-judgment motions and briefs. (See DE 33 at 2). Leave to amend, however, may be denied where the proposed amendment is futile, because it “would not survive a motion to dismiss.” Save Our Sound OBX, Inc. v. N. Carolina Dep’t of Transportation, 914 F.3d 213, 228 (4th Cir. 2019). Here, the additional allegations suggested in plaintiff’s post-judgment filings do not further advance plaintiff’s claims. Therefore, that part of plaintiff’s motion seeking leave to amend complaint is denied.

CONCLUSION

Based on the foregoing, plaintiff’s post-judgment motions, including in part a motion for leave to amend complaint, as construed herein, (DE 30, 33) are DENIED.

SO ORDERED, this the 16th day of April, 2025.



LOUISE W. FLANAGAN
United States District Judge